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\*LIMITED TO MATTERS  
AND PROCEEDINGS BEFORE  
FEDERAL COURTS & AGENCIES  
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April 1, 2002

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**Attn: Box AF**

Commissioner for Patents  
Washington, D.C. 20231

Art Unit 1636

Re: U.S. Utility Patent Application  
Appl. No. 09/438,358; Filed: November 12, 1999  
For: Compositions and Methods for Recombinational Cloning of  
Nucleic Acid Molecules

Inventors: Gerard *et al.*  
Our Ref: 0942.4640001/RWE/BJD

Sir:

Transmitted herewith for appropriate action are the following documents:

1. PTO Fee Transmittal Form (PTO/SB/17);
2. Petition For Extension of Time Under 37 C.F.R. § 1.136(a)(1);
3. Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences - Large Entity;
4. Our Check No. 34702 in the amount of \$1,240.00 to cover the appropriate fees; and
5. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are

Commissioner for Patents  
April 1, 2002  
Page 2

necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono  
Attorney for Applicants  
Registration No. 42,473

BJD/nef  
Enclosures

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

APR 01 2002

TOTAL AMOUNT OF PAYMENT

(\$1240.00)

|                      |                      | Complete if Known |  |
|----------------------|----------------------|-------------------|--|
| Application Number   | 09/438,358           |                   |  |
| Filing Date          | Nov. 12, 1999        |                   |  |
| First Named Inventor | Gerard et al.        |                   |  |
| Examiner Name        | Leffers, Jr., G.     |                   |  |
| Group Art Unit       | 1636                 |                   |  |
| Attorney Docket No.  | 0942.4640001/RWE/BJD |                   |  |

| METHOD OF PAYMENT (check one)   |  | FEE CALCULATION (continued) |  |  |  |
|---|--|-----------------------------|--|--|--|
| 1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to: |  | 3. ADDITIONAL FEES          |  |  |  |

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

|                        |   |
|------------------------|---|
| Deposit Account Number | 19-0036                                   |
| Deposit Account Name   | Sterne, Kessler, Goldstein & Fox P.L.L.C. |

Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17

Applicant claims small entity status  
See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other\*

\*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Entity Fee | Small Entity Fee Code (\$) | Entity Fee | Fee Description        | Fee Paid |
|----------------------------|------------|----------------------------|------------|------------------------|----------|
| 101                        | 740        | 201                        | 370        | Utility filing fee     |          |
| 106                        | 330        | 206                        | 165        | Design filing fee      |          |
| 107                        | 510        | 207                        | 255        | Plant filing fee       |          |
| 108                        | 740        | 208                        | 370        | Reissue filing fee     |          |
| 114                        | 160        | 214                        | 80         | Provisional filing fee |          |

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES

| Extra                      | Fee from below             | Fee Paid        |     |   |  |
|----------------------------|----------------------------|-----------------|-----|---|--|
| Total Claims               | - 20** =                   | X =             |     |   |  |
| Indep. Claims              | - 3** =                    | X =             |     |   |  |
| Multiple Dependent         |                            | =               |     |   |  |
| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description |     |   |  |
| 103                        | 18                         | 203             | 9   | Claims in excess of 20                                    |  |
| 102                        | 84                         | 202             | 42  | Independent claims in excess of 3                         |  |
| 104                        | 280                        | 204             | 140 | Multiple dependent claim                                  |  |
| 108                        | 84                         | 209             | 42  | **Reissue independent claims over original patent         |  |
| 110                        | 18                         | 210             | 9   | **Reissue claims in excess of 20 and over original patent |  |

SUBTOTAL (2) (\$)

\*\* or number previously paid, if greater; For Reissues, see above

### 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee paid |
|----------|----------|----------|----------|--|----------|
| 105      | 130      | 205      | 65       | Surcharge - late filing fee or oath  |          |
| 127      | 50       | 227      | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139      | 130      | 139      | 130      | Non-English specification  |          |
| 147      | 2,520    | 147      | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112      | 920*     | 112      | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 113      | 1,840*   | 113      | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 115      | 110      | 215      | 55       | Extension for reply within first month                                     |          |
| 116      | 400      | 216      | 200      | Extension for reply within second month                                    |          |
| 117      | 920      | 217      | 460      | Extension for reply within third month                                     | 920.00   |
| 118      | 1,440    | 218      | 720      | Extension for reply within fourth month                                    |          |
| 128      | 1,960    | 228      | 980      | Extension for reply within fifth month                                     |          |
| 119      | 320      | 219      | 160      | Notice of Appeal   | 320.00   |
| 120      | 320      | 220      | 160      | Filing a brief in support of an appeal                                     |          |
| 121      | 280      | 221      | 140      | Request for oral hearing   |          |
| 138      | 1,510    | 138      | 1,510    | Petition to institute a public use proceeding                              |          |
| 140      | 110      | 240      | 55       | Petition to revive - unavoidable   |          |
| 141      | 1,280    | 241      | 640      | Petition to revive - unintentional   |          |
| 142      | 1,280    | 242      | 640      | Utility issue fee (or reissue)   |          |
| 143      | 460      | 243      | 230      | Design issue fee   |          |
| 144      | 620      | 244      | 310      | Plant issue fee  |          |
| 122      | 130      | 122      | 130      | Petitions to the Commissioner  |          |
| 123      | 130      | 123      | 130      | Petitions related to provisional applications                              |          |
| 126      | 180      | 126      | 180      | Submission of Information Disclosure Stmt                                  |          |
| 581      | 40       | 481      | 40       | Recording each patent assignment per property (times number of properties) |          |
| 146      | 740      | 246      | 370      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 149      | 740      | 249      | 370      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 179      | 740      | 279      | 370      | Request for Continued Examination (RCE)                                    |          |
| 169      | 900      | 169      | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify):

Other fee (specify):

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

1240.00

### SUBMITTED BY

Complete (if applicable)

|                   |   |                                   |        |           |               |
|-------------------|---|-----------------------------------|--------|-----------|---------------|
| Name (Print/Type) | Brian J. Del Buono  | Registration No. (Attorney/Agent) | 42,473 | Telephone | 202-371-2600  |
| Signature         |  |                                   |        | Date      | April 1, 2002 |

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